

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MELODY JANNEL RODGERS,

Plaintiff,

-against-

B&H PHOTO,

Defendant.

24-CV-6910 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action against B&H Photo, invoking the Court's diversity jurisdiction. Plaintiff filed her complaint on September 3, 2024. On August 21, 2024, Plaintiff also filed a substantially similar complaint where she alleged the same set of facts against B&H Photo. *See Rodgers v. B&H Photo*, No. 24-CV-6642. As this new complaint raises the same claims as the prior action, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case filed under docket number 24-CV-6642.

**CONCLUSION**

Plaintiff's complaint is dismissed as duplicative of *Rodgers v. B&H Photo*, No. 24-CV-6642. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppededge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: September 18, 2024  
New York, New York

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge